

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0552

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

TYSON LEE HAPPEL,

Defendant and Appellant.

FILED

JUN 03 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME**

COMES NOW, Koan Mercer, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until June 22, 2010, in which to prepare, file, and serve the Appellant's reply brief in the above-entitled matter. This is Appellant's first extension request for the reply brief. Opposing counsel has been contacted concerning this motion and does not object.

DATED this 3<sup>rd</sup> day of June, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER  
Appellate Defender Office  
139 N. Last Chance Gulch  
P.O. Box 200145  
Helena, MT 59620-0145

By: *Koan Mercer*  
KOAN MERCER  
Assistant Appellate Defender

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing

Motion for Extension of Time to be mailed to:

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TYSON LEE HAPPEL 3002269  
Crossroads Correctional Center  
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Shelby, MT 59474

DATED: 6/3/10

  
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